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2010 FEB. 9 PM 1:30  
 CLERK U.S. DISTRICT COURT  
 CENTRAL DIST. OF CALIF.  
 LOS ANGELES

FILED

**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

MICROSOFT CORPORATION, a  
 Washington corporation,

Plaintiff,

v.

NANO ELECTRONICS,  
 INCORPORATED, a California  
 corporation d/b/a COMPLETE  
 COMPUTER CURE; RAHIM  
 BIDGOLI, an individual, and BEHZAD  
 TOUBIAN, an individual a/k/a BEN  
 TOUBIAN,

Defendants.

CV 10 0963 PA (AGRx)  
 Case No.

**COMPLAINT FOR:**

- (1) COPYRIGHT INFRINGEMENT;
- (2) FEDERAL TRADEMARK INFRINGEMENT;
- (3) FALSE DESIGNATION OF ORIGIN, FALSE DESCRIPTION AND FALSE REPRESENTATION;
- (4) COMMON LAW UNFAIR COMPETITION;
- (5) IMPOSITION OF A CONSTRUCTIVE TRUST; AND
- (6) AN ACCOUNTING

**COMPLAINT**

This is an action by Microsoft Corporation ("Microsoft") to recover damages arising from infringement of Microsoft's copyrights and trademarks in its software by Nano Electronics, Incorporated, a California corporation d/b/a Complete Computer Cure; Rahim Bidgoli, an individual; and Behzad Toubian, an individual

1 a/k/a Ben Toubian (collectively "Defendants") and to enjoin Defendants' future  
2 infringement. Defendants have infringed Microsoft's copyrights and trademarks,  
3 violated the Lanham Act by falsely designating the origin of software, and engaged  
4 in unfair competition. Microsoft seeks damages, an accounting, the imposition of a  
5 constructive trust upon Defendants' illegal profits, and injunctive relief.

### 6 THE PARTIES

7 1. Microsoft is a Washington corporation with its principal place of  
8 business located at One Microsoft Way, Redmond, Washington. Microsoft  
9 develops, markets, distributes and licenses computer software.

10 2. Upon information and belief, defendant Nano Electronics,  
11 Incorporated, is a California corporation doing business as Complete Computer  
12 Cure in Sherman Oaks, California ("Nano Electronics"). Upon information and  
13 belief, Nano Electronics is engaged in the advertising, marketing, and distribution of  
14 computer hardware and software, including purported Microsoft software.

15 3. Upon information and belief, defendant Rahim Bidgoli, an  
16 individual, is an officer, shareholder, manager and/or director of, or owns,  
17 operates, or otherwise controls Nano Electronics. Upon information and  
18 belief, Rahim Bidgoli resides and transacts substantial business in this district.  
19 Upon information and belief, Rahim Bidgoli (a) personally participated in  
20 and/or had the right and ability to direct and control the wrongful conduct  
21 alleged in this Complaint, and (b) derived direct financial benefit from that  
22 wrongful conduct.

23 4. Upon information and belief, defendant Behzad Toubian, an individual  
24 who is also know as Ben Toubian, is an officer, shareholder, manger and/or director  
25 of, or owns, operates, or otherwise controls Nano Electronics. Upon information  
26 and belief, Behzad Toubian a/k/a Ben Toubian resides and transacts substantial  
27 business in this district. Upon information and belief, Behzad Toubian a/k/a Ben  
28 Toubian (a) personally participated in and/or had the right and ability to direct and

1 control the wrongful conduct alleged in this Complaint, and (b) derived direct  
2 financial benefit from that wrongful conduct.

### 3 JURISDICTION

4 5. This Court has subject matter jurisdiction over Microsoft's claims for  
5 trademark infringement, copyright infringement and related claims pursuant to 15  
6 U.S.C. § 1121, 17 U.S.C. § 501, 28 U.S.C. §§ 1331 and 1338(a).

7 6. This Court has supplemental jurisdiction over Microsoft's claims  
8 arising under the laws of the State of California pursuant to 28 U.S.C. § 1367(a)  
9 because these claims are so related to Microsoft's claims under federal law that they  
10 form part of the same case or controversy and derive from a common nucleus of  
11 operative fact.

### 12 VENUE

13 7. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and  
14 § 1400(a) because (a) the acts of infringement and other wrongful conduct alleged  
15 occurred in the Central District of California; (b) the Defendants may be found in  
16 the Central District of California; and (c) Defendants have a sufficient connection  
17 with the Central District of California to make venue proper in this district, all as  
18 alleged in this Complaint.

### 19 FACTS COMMON TO ALL CLAIMS

20 8. Microsoft develops, advertises, markets, distributes, and licenses a  
21 number of computer software programs. Microsoft's software programs are  
22 recorded on magnetic diskettes and/or CD-ROMs, and they are packaged and  
23 distributed together with associated proprietary materials such as user's guides,  
24 user's manuals, end user license agreements, certificates of authenticity, and other  
25 related components.

26 9. Microsoft Windows XP Professional: Microsoft has developed,  
27 advertises, markets, distributes, and licenses a software package known as Microsoft  
28 Windows XP Professional ("Windows XP Pro"). Windows XP Pro is an operating

1 system for desktop and laptop systems. It performs a number of computer-related  
2 operations including, but not limited to, providing support for various applications  
3 and allowing remote access to data and applications stored on Windows XP Pro  
4 desktops from network connections. Microsoft holds a valid copyright in Windows  
5 XP Pro (including user's reference manuals, user's guides, and screen displays) that  
6 was duly and properly registered with the United States Copyright Office. A true  
7 and correct copy of the Registration Certificate for Microsoft Windows XP Pro,  
8 bearing the number TX 5-407-055, is attached hereto as Exhibit 1 and is  
9 incorporated by reference.

10 10. Microsoft has also duly and properly registered a number of trademarks  
11 and a service mark in the United States Patent and Trademark Office on the  
12 Principal Register, including, but not limited to:

- 13 A. "MICROSOFT," Trademark and Service Mark Registration  
14 No. 1,200,236, for computer programs and computer  
15 programming services;
- 16 B. "MICROSOFT," Trademark Registration No. 1,256,083,  
17 for computer hardware and software manuals, newsletters,  
18 and computer documentation;
- 19 C. WINDOWS, Trademark Registration No. 1,872,264 for  
20 computer programs and manuals sold as a unit;
- 21 D. COLORED FLAG DESIGN, Trademark Registration No.  
22 2,744,843, for computer software.

23 True and correct copies of the Trademark Registrations for A through D  
24 above are attached hereto as Exhibits 2 through 5, respectively, and are incorporated  
25 herein by reference.

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27 ///

28 ///



**Defendants' Infringement**

11. Defendants are engaged in the advertising, marketing, and distribution of computer software, including software covered by Microsoft's registered copyrights and bearing Microsoft's registered trademarks or imitations thereof.

12. On or about January 23, 2004, Microsoft brought suit against Defendants for their infringement of Microsoft's copyrights and trademarks and other related claims (Microsoft Corporation v. Nano Electronics, Inc., et al., United States District Court for the Central District of California, Case No. CV 04-0448 ABC (AJWx)).

13. In February 2005, the Defendants stipulated to a Permanent Injunction. The Court entered the Stipulated Permanent Injunction on March 1, 2005. The Stipulated Permanent Injunction prohibits the Defendants, their successors, and all those acting in concert or participation with them, from, among other things, infringing Microsoft's trademarks and copyrights.

14. Notwithstanding the Stipulated Permanent Injunction, Defendants continue to infringe Microsoft's copyrights and trademarks. In or about November 2009, Defendants distributed to an investigator two refurbished computer systems with infringing Windows XP Pro software.

15. On information and belief, this is not an isolated incident. On information and belief, Defendants have been and continue to be involved in advertising, marketing, installing and/or distributing infringing copies of Microsoft's software to unidentified persons or entities. On information and belief, Defendants' distributions of purported Microsoft software are the result of Defendants' advertising and marketing the availability of such materials.

16. On information and belief, Defendants' wrongful conduct includes the advertising, marketing, installing, and/or distribution of "infringing materials," specifically reproductions, copies, or colorable imitations of Microsoft's copyrighted

1 materials and/or the Microsoft trademarks, logos, and service mark described in this  
2 Complaint.

3 17. On information and belief, Defendants have committed and are  
4 continuing to commit acts of copyright and trademark infringement against  
5 Microsoft. On information and belief, at a minimum, Defendants were willfully  
6 blind and acted in reckless disregard of Microsoft's registered copyrights and marks.

7 18. On information and belief, Microsoft has been harmed by the  
8 advertising activities, including the unauthorized use of Microsoft's copyright  
9 protected material, and the unauthorized use of Microsoft's marks to describe the  
10 items that Defendants are distributing. Through this conduct, Defendants have  
11 misappropriated Microsoft's advertising ideas and style of doing business and have  
12 infringed Microsoft's copyrights, titles, and slogans.

13 19. On information and belief, the injuries and damages that Microsoft has  
14 sustained have been directly and proximately caused by Defendants' advertising,  
15 including the wrongful misappropriation of Microsoft's advertising ideas and style  
16 of doing business and infringement of Microsoft's copyrights, titles, and slogans.

17 **First Claim**

18 **[Copyright Infringement -- 17 U.S.C. § 501, et seq.]**

19 **Against Defendants**

20 20. Microsoft realleges, and incorporates by this reference, each and every  
21 allegation set forth in paragraphs 1 through 19, inclusive.

22 21. Microsoft is the sole owner of Microsoft Windows XP Pro, and the  
23 corresponding Certificate of Registration.

24 22. Defendants have infringed the copyrights in Microsoft's software,  
25 including but not limited to Microsoft Windows XP Pro software, by distributing  
26 infringing materials in the United States of America without approval or  
27 authorization from Microsoft.

23. Defendants' conduct has been willful within the meaning of the Copyright Act. At a minimum, Defendants acted with willful blindness to and in reckless disregard of Microsoft's registered copyrights.

24. As a result of the wrongful conduct, Defendants are liable to Microsoft for copyright infringement. 17 U.S.C. § 501. Microsoft has suffered damages. Microsoft has suffered, and will continue to suffer, substantial losses, including, but not limited to, damage to its business reputation and goodwill. Microsoft is entitled to recover damages, which include its losses and any and all profits Defendants have made as a result of their wrongful conduct. 17 U.S.C. § 504. Alternatively, Microsoft is entitled to statutory damages under 17 U.S.C. § 504(c).

25. In addition, because Defendants' infringement has been willful within the meaning of the Copyright Act, the award of statutory damages should be enhanced in accordance with 17 U.S.C. § 504(c)(2).

26. Microsoft is also entitled to injunctive relief pursuant to 17 U.S.C. § 502 and to an order impounding any and all infringing materials pursuant to 17 U.S.C. § 503. Microsoft has no adequate remedy at law for Defendants' wrongful conduct because, among other things, (a) Microsoft's copyrights are unique and valuable property which have no readily determinable market value, (b) Defendants' infringement harms Microsoft's business reputation and goodwill such that Microsoft could not be made whole by any monetary award, and (c) Defendants' wrongful conduct, and the resulting damage to Microsoft, is continuing.

27. Microsoft is also entitled to recover its attorneys' fees and costs of suit.  
17 U.S.C. § 505.

### **Second Claim**

**[Federal Trademark Infringement – 15 U.S.C. § 1114]**

## Against Defendants

28. Microsoft realleges, and incorporates by this reference, each and every allegation set forth in paragraphs 1 through 27, inclusive.

1           29. Defendants' activities constitute infringement of Microsoft's federally  
2 registered trademarks and service mark in violation of the Lanham Trademark Act,  
3 including but not limited to 15 U.S.C. § 1114(1).

4           30. Because Microsoft has marketed, advertised, promoted, distributed, and  
5 licensed its software under the trademarks and service mark described in this  
6 Complaint, these trademarks and service mark are the means by which Microsoft's  
7 software is distinguished from those of others in the same field or related fields.

8           31. Because of Microsoft's long, continuous, and exclusive use of these  
9 trademarks and service mark, they have come to mean, and are understood by  
10 customers, end users, and the public to signify software of Microsoft.

11           32. The infringing materials that Defendants have and are continuing to  
12 use, market, offer, or distribute are likely to cause confusion, mistake, or deception  
13 as to their source, origin, or authenticity.

14           33. Further, Defendants' activities are likely to lead the public to conclude,  
15 incorrectly, that the infringing materials that Defendants are using, advertising,  
16 marketing, offering, or distributing originate with or are authorized by Microsoft, to  
17 the damage and harm of Microsoft, its licensees, and the public.

18           34. Upon information and belief, Defendants used, advertised, marketed,  
19 offered or distributed infringing material with the willful and calculated purposes of  
20 misleading, deceiving, or confusing customers and the public as to the origin and  
21 authenticity of the infringing materials and of trading upon Microsoft's goodwill  
22 and business reputation.

23           35. Defendants' conduct has been willful within the meaning of the  
24 Lanham Act. At a minimum, Defendants acted with willful blindness to and in  
25 reckless disregard of Microsoft's registered marks.

26           36. As a result of their wrongful conduct, Defendants are liable to  
27 Microsoft for trademark infringement. 15 U.S.C. § 1114(1). Microsoft has  
28 suffered, and will continue to suffer, substantial losses, including, but not limited to,



1 damage to its business reputation and goodwill. Microsoft is entitled to recover  
2 damages, which include its losses, and any and all profits Defendants have made as  
3 a result of their wrongful conduct. 15 U.S.C. § 1117(a). Alternatively, Microsoft is  
4 entitled to statutory damages under 15 U.S.C. § 1117(c).

5 37. In addition, because Defendants' infringement of Microsoft's  
6 trademarks and service mark was willful, the award of actual damages and profits  
7 should be trebled pursuant to 15 U.S.C. § 1117(b). Alternatively, the award of  
8 statutory damages should be enhanced in accordance with 15 U.S.C. § 1117(c)(2).

9 38. Microsoft is also entitled to injunctive relief pursuant to 15 U.S.C. §  
10 1116(a) and to an order compelling the impounding of all infringing materials being  
11 used, offered, marketed, or distributed by Defendants pursuant to 15 U.S.C. § 1116,  
12 subsections (a) and (d)(1)(A), and pursuant to 28 U.S.C. § 1651. Microsoft has no  
13 adequate remedy at law for Defendants' wrongful conduct because, among other  
14 things, (a) Microsoft's trademarks and service mark are unique and valuable  
15 property which have no readily determinable market value, (b) Defendants'  
16 infringement constitutes harm to Microsoft's business reputation and goodwill such  
17 that Microsoft could not be made whole by any monetary award, (c) if Defendants'  
18 wrongful conduct is allowed to continue, the public is likely to become further  
19 confused, mistaken, or deceived as to the source, origin or authenticity of the  
20 infringing materials, and (d) Defendants' wrongful conduct, and the resulting  
21 damage to Microsoft, is continuing.

22 39. Microsoft is also entitled to recover its attorneys' fees and costs of suit.  
23 15 U.S.C. § 1117.

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**Third Claim**

**[False Designation Of Origin, False Description And  
Representation Of Microsoft Packaging--15 U.S.C. § 1125 et seq.]  
Against Defendants**

40. Microsoft realleges, and incorporates by this reference, each and every allegation set forth in paragraphs 1 through 39, inclusive.

41. Microsoft has designed distinctive and aesthetically pleasing displays, logos, icons, graphic images, and packaging (collectively, "Microsoft visual designs") for its software.

42. Defendants' wrongful conduct includes the use, advertising, marketing, offering, or distribution of "imitation visual designs," specifically displays, logos, icons, graphic designs, and/or packaging virtually indistinguishable from Microsoft visual designs. Defendants' use, advertising, marketing, offering, or distribution of imitation visual designs constitutes (a) false designation of origin, (b) false description, and (c) false representation that the imitation visual images originate from or are authorized by Microsoft, all in violation of § 43(a) of the Lanham Trademark Act, set forth at 15 U.S.C. § 1125(a).

43. Upon information and belief, Defendants used, advertised, marketed, offered, or distributed imitation visual designs with the willful and calculated purposes of misleading, deceiving, or confusing customers and the public as to the origin and authenticity of the imitation visual designs and of trading upon Microsoft's goodwill and business reputation.

44. Defendants' use, advertising, marketing, offering, and distribution of imitation visual designs are likely to continue unless restrained and enjoined.

45. As a result of Defendants' use, marketing, offering, and distribution of imitation visual designs, Microsoft has suffered and will continue to suffer damage and losses, including, but not limited to, irreparable injury to its business reputation and goodwill. Microsoft is entitled to injunctive relief and to an order compelling

1 the impounding of all imitation visual designs being used, offered, marketed, or  
2 distributed by Defendants. Microsoft has no adequate remedy at law for  
3 Defendants' wrongful conduct because, among other things, (a) Microsoft's visual  
4 designs are unique and valuable property which have no readily determinable  
5 market value, (b) Defendants' use, marketing, or distribution of imitation visual  
6 designs constitutes harm to Microsoft's business reputation and goodwill such that  
7 Microsoft could not be made whole by any monetary award, and (c) Defendants'  
8 wrongful conduct, and the resulting damage to Microsoft, is continuing.

9 **Fourth Claim**

10 **[California Common Law Unfair Competition]**  
11 **Against Defendants**

12 46. Microsoft realleges, and incorporates by this reference, each and every  
13 allegation set forth in paragraphs 1 through 45, inclusive.

14 47. The acts and conduct of Defendants as alleged above in this Complaint  
15 constitute unfair competition pursuant to the common law of California.

16 48. Defendants' acts and conduct are likely to confuse the public into  
17 believing that the items being offered or distributed by Defendants are sponsored,  
18 approved or authorized by Microsoft in violation of Microsoft's rights under the  
19 common law of unfair competition of the State of California.

20 49. Defendants' acts and conduct as alleged above have damaged and will  
21 continue to damage Microsoft's goodwill and reputation and have resulted in losses  
22 to Microsoft and an illicit gain of profit to Defendants in an amount unknown at the  
23 present time.

24 **Fifth Claim**

25 **[For Imposition Of A Constructive Trust Upon The**  
26 **Illegal Profits Of All Defendants]**  
27 **Against Defendants**

28 50. Microsoft realleges, and incorporates by this reference, each and every  
allegation set forth in paragraphs 1 through 49, inclusive.

1        51. Defendants' conduct constitutes deceptive, fraudulent, and wrongful  
2 conduct in the nature of passing off the infringing materials as genuine Microsoft  
3 software or related components approved or authorized by Microsoft.

4        52. By virtue of their wrongful conduct, Defendants have illegally received  
5 money and profits that rightfully belong to Microsoft.

6        53. Upon information and belief, Defendants hold the illegally received  
7 money and profits in the form of bank accounts, real property, or personal property  
8 that can be located and traced.

9        54. Defendants hold the money and profits they have illegally received as  
10 constructive trustees for the benefit of Microsoft.

11                                    **Sixth Claim**

12                                    **[Accounting]**  
13                                    **Against Defendants**

14        55. Microsoft realleges, and incorporates by this reference, each and every  
15 allegation set forth in paragraphs 1 through 54, inclusive.

16        56. Microsoft is entitled, pursuant to 17 U.S.C. § 504 and 15 U.S.C.  
17 § 1117, to recover any and all profits of Defendants that are attributable to their acts  
18 of infringement.

19        57. Microsoft is entitled, pursuant to 17 U.S.C. § 504 and 15 U.S.C.  
20 § 1117, to actual damages or statutory damages sustained by virtue of Defendants'  
21 acts of infringement.

22        58. The amount of money due from Defendants to Microsoft is unknown to  
23 Microsoft and cannot be ascertained without a detailed accounting by Defendants of  
24 the precise number of units of infringing material offered for distribution and  
25 distributed by Defendants.

26                                    **PRAYER**

27        WHEREFORE, Microsoft respectfully requests judgment against the  
28 Defendants as follows:

1 (1) That the Court enter a judgment against Defendants as indicated below:

2 (a) that Defendants have willfully infringed Microsoft's rights in the  
3 following federally registered copyright under 17 U.S.C. § 501: TX 5-407-055  
4 ("Windows XP Professional");

5 (b) that Defendants have willfully infringed Microsoft's rights in the  
6 following federally registered trademarks and service mark under 15 U.S.C. § 1114:

7 (1) 1,200,236 ("MICROSOFT");

8 (2) 1,256,083 ("MICROSOFT");

9 (3) 1,872,264 ("WINDOWS");

10 (4) 2,744,843 (COLORED FLAG DESIGN);

11 (c) that Defendants have committed and are committing acts of false  
12 designation of origin, false or misleading description of fact, and false or misleading  
13 representation against Microsoft as defined in 15 U.S.C. § 1125(a);

14 (d) that Defendants have engaged in unfair competition in violation  
15 of the common law of the State of California; and

16 (e) that Defendants have otherwise injured the business reputation  
17 and business of Microsoft by Defendants' acts and conduct set forth in this  
18 Complaint.

19 (2) That the Court issue injunctive relief against Defendants, and that  
20 Defendants, their principals, directors, officers, agents, representatives, servants,  
21 employees, attorneys, successors and assigns, and all others in active concert or  
22 participation with Defendants, be enjoined and restrained from:

23 (a) imitating, copying, or making any other infringing use or  
24 infringing distribution of software programs, components, and/or items protected by  
25 Microsoft's registered trademarks and service mark, including, but not limited to, the  
26 following Trademark Registration Nos.:

27 (1) 1,200,236 ("MICROSOFT");

28 (2) 1,256,083 ("MICROSOFT");



1 (3) 1,872,264 ("WINDOWS");

2 (4) 2,744,843 (COLORED FLAG DESIGN);

3 or the software and/or related components protected by the following Certificate of  
4 Copyright Registration No.: TX 5-407-055 ("Windows XP Professional");  
5 and any other works now or hereafter protected by any Microsoft trademark or  
6 copyright;

7 (b) manufacturing, assembling, producing, distributing, offering for  
8 distribution, circulating, selling, offering for sale, advertising, importing, promoting,  
9 or displaying any software program, component and/or item bearing any simulation,  
10 reproduction, counterfeit, copy, or colorable imitation of any of Microsoft's  
11 registered trademarks, service mark, or copyrights, including, but not limited to, the  
12 Trademark, Service Mark, and Copyright Registration Numbers listed in Section  
13 (2)(a) above;

14 (c) using any simulation, reproduction, counterfeit, copy, or  
15 colorable imitation of Microsoft's registered trademarks, service mark, or copyright  
16 including, but not limited to, the Trademark, Service Mark, and Copyright  
17 Registration Numbers listed in Section (2)(a) above, in connection with the  
18 manufacture, assembly, production, distribution, offering for distribution,  
19 circulation, sale, offering for sale, import, advertisement, promotion, or display of  
20 any software program, component, and/or item not authorized or licensed by  
21 Microsoft;

22 (d) using any false designation of origin or false description which  
23 can or is likely to lead the trade or public or individuals, erroneously to believe that  
24 any software program, component, and/or item has been manufactured, assembled,  
25 produced, distributed, offered for distribution, circulation, sold, offered for sale,  
26 imported, advertised, promoted, displayed, licensed, sponsored, approved, or  
27 authorized by or for Microsoft, when such is not true in fact;  
28

1 (e) engaging in any other activity constituting an infringement of  
2 any of Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's  
3 rights in, or right to use or to exploit these trademarks, service mark, and/or  
4 copyrights; and

5 (f) assisting, aiding, or abetting any other person or business entity  
6 in engaging in or performing any of the activities referred to in subparagraphs (a)  
7 through (e) above.

8 (3) That the Court enter an order declaring that Defendants hold in trust, as  
9 constructive trustees for the benefit of Microsoft, their illegal profits obtained from  
10 their distribution of infringing copies of Microsoft's software, and requiring  
11 Defendants to provide Microsoft a full and complete accounting of all amounts due  
12 and owing to Microsoft as a result of Defendants' illegal activities.

13 (4) That the Court order Defendants to pay Microsoft's damages as  
14 follows:

- 15 (a) Microsoft's damages and Defendants' profits pursuant to  
16 17 U.S.C. § 504(b), or in the alternative, statutory damages  
17 pursuant to 17 U.S.C. § 504(c), for Defendants' infringement of  
18 Microsoft's copyrights;
- 19 (b) Microsoft's damages and Defendants' profits pursuant to  
20 15 U.S.C. § 1117(a), trebled pursuant to 15 U.S.C. § 1117(b) for  
21 Defendants' willful violation of Microsoft's registered  
22 trademarks and service mark, or in the alternative statutory  
23 damages pursuant to 15 U.S.C. § 1117(c) for each counterfeit  
24 mark; and
- 25 (c) Microsoft's damages and Defendants' profits pursuant to  
26 California common law;
- 27  
28

1 (5) That the Court order Defendants to pay to Microsoft both the costs of  
2 this action and the reasonable attorneys' fees incurred by it in prosecuting this  
3 action; and

4 (6) That the Court grant to Microsoft such other and additional relief as is  
5 just and proper.

6  
7 DATED: February 9, 2010.

8  
9 **PERKINS COIE LLP**

10  
11 By 

12 Katherine M. Dugdale  
13 Attorneys for Plaintiff  
14 MICROSOFT CORPORATION  
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## **EXHIBIT 1**

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## CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*  
REGISTER OF COPYRIGHTS  
United States of America

**FORM TX**  
For a Non-dramatic Literary Work  
UNITED STATES COPYRIGHT OFFICE

TX 5-407-055



EFFECTIVE DATE OF REGISTRATION

Nov. 6, 2001  
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

## TITLE OF THIS WORK

Microsoft Windows XP Professional

## PREVIOUS OR ALTERNATIVE TITLES

**PUBLICATION AS A CONTRIBUTION** If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume Number Issue Date On Page

2

## NAME OF AUTHOR

a Microsoft Corporation

Was this contribution to the work a

☒ Yes☐ No

## AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of

Domiciled in

## DATES OF BIRTH AND DEATH

Year Born

Year Died

## WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?

☐ Yes☒ No

Pseudonymous?

☐ Yes☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

## NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instruction 10). For any part of the work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for date of birth and death blank.

## NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

Enlira work - computer software program, documentation &amp; text on product packaging

## NAME OF AUTHOR

b Was this contribution to the work a

☐ Yes☒ No

## AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of

Domiciled in

## DATES OF BIRTH AND DEATH

Year Born

Year Died

## WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?

☐ Yes☒ No

Pseudonymous?

☐ Yes☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

## NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

## NAME OF AUTHOR

c Was this contribution to the work a

☐ Yes☒ No

## AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of

Domiciled in

## DATES OF BIRTH AND DEATH

Year Born

Year Died

## WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?

☐ Yes☒ No

Pseudonymous?

☐ Yes☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

## NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

3

## YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2001

This information must be given in all cases.

## DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if your work has been published.

Month 10

Day 26

Year 2001

U.S.A.

Notes

4

## COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

Microsoft Corporation  
Law and Corporate Affairs  
One Microsoft Way  
Redmond, WA 98052

**TRANSFER** If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

## APPLICATION RECEIVED

NOV 06 2001

## ONE DEPOSIT RECEIVED

NOV 06 2001

## TWO DEPOSITS RECEIVED

NOV 06 2001

## FUNDS RECEIVED

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

## MORE ON BACK

• Complete all applicable spaces (numbers 1-5) on the reverse side of this page.  
• See detailed instructions.  
• Sign the bottom of this page.

DO NOT WRITE HERE

Page 1 of 2 pages



08/03/02 MON 12:48 PM

EXAMINED BY <u>Travis</u>	FORM TX
CHECKED BY _____	
<input type="checkbox"/> CORRESPONDENCE	FOR COPYRIGHT OFFICE USE ONLY
<input type="checkbox"/> Yes	

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office? 5☒ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ☐a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by the author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 8 on this application.If your answer is "Yes," give: Previous Registration Number ☐Year of Registration ☐

TX 5-038-257

## DERIVATIVE WORK OR COMPILATION

Presenting Material Identify any presenting work or works that this work is based on or incorporates. 6a. Previous version & files copyrighted by various third partiesb. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ☐  
Additional programming text, additional written text, and editorial revisionsDEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account. 7a. Microsoft Corporation DA063819CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ☐b. Microsoft Corporation, ATTN: Judy Weston  
One Microsoft Way  
Redmond, WA 98062Area code and daytime telephone number ☐ (425) 936-9104Fax number ☐ (425) 936-7329E-mail ☐ judyw@microsoft.com

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one ☐☐ author☐ other copyright claimant☐ owner of exclusive rights (s)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

☒ authorized agent of Microsoft Corporation

Name of author or other copyright claimant, or owner of exclusive rights (s)

Typed or printed name and date ☐ If this application gives a date of publication in space 3, do not sign and submit it before that date.Judy K.K. WestonDate ☐ November 5, 2001Handwritten signature (s) ☐The filing fee of \$20.00 is effective through June 30, 1999. After that date, please write the Copyright Office, check the Copyright Office Website at <http://www.loc.gov/copyright/>, or call (202) 707-2080 for the latest fee information.

Mail certificate to:

Certificate will be mailed in window envelope

Name ☐ Microsoft Corporation, ATTN: Judy Weston  
Law and Corporate AffairsMailing address ☐ One Microsoft WayCity/State/ZIP ☐ Redmond, WA 98062

## FOR FILER

• Complete all mandatory forms

• Sign your application in space 8

• Submit to Copyright Office

• Pay the filing fee

1. Application form

2. Searchable filing fee in check or money order

3. Deposit material

4. Copyright fee

5. Copyright Office

101 Independence Avenue, S.E.

Washington, D.C. 20540-4500

U.S. GOVERNMENT PRINTING OFFICE: 1996-004-5700-000

October 1996—\$3,000

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## **EXHIBIT 2**

Int. Cls.: 9 and 42

Prior U.S. Cls.: 26, 38 and 101

United States Patent and Trademark Office

Reg. No. 1,200,236  
Registered Jul. 6, 1982

TRADEMARK  
SERVICE MARK  
Principal Register

MICROSOFT

Microsoft (partnership)  
Suite 819  
10800 NE. 8th  
Bellevue, Wash. 98004

VICES, in CLASS 42 (U.S. Cl. 101).

First use Nov. 12, 1975; in commerce Nov. 12, 1975.

For: COMPUTER PROGRAMS, in CLASS 9  
(U.S. Cls. 26 and 38).

Ser. No. 236,080, filed Oct. 22, 1979.

First use Nov. 12, 1975; in commerce Nov. 12, 1975.

B. H. VERTIZ, Primary Examiner

For: COMPUTER PROGRAMMING SER-

CHERYL LYNNE HENDERSON, Examiner

#### Certificate of Correction

Registered July 6, 1982

Registration No. 1,200,236

Microsoft Corporation, by change of name and assignment from Microsoft

It is hereby certified that the above identified registration is in error requiring correction as follows:

In the statement, column 1, before line 1, *Microsoft Corporation (Washington corporation), 10700 Northup Way, Bellevue, Wash. 98004, by change of name and assignment from* should be inserted.

The said registration should be read as corrected above.

Signed and sealed this 3rd day of April 1984.



Attest:

*Michael E. Smith*

*Paul H. Vertiz*

## **EXHIBIT 3**

Int. Cl.: 16

Prior U.S. Cl.: 38

**United States Patent and Trademark Office**

**Reg. No. 1,256,083**

**Registered Nov. 1, 1983**

**TRADEMARK**

**Principal Register**

**MICROSOFT**

Microsoft Corporation (Washington corporation)  
10700 Northup Way  
Bellevue, Wash. 98004

For: COMPUTER HARDWARE AND SOFTWARE MANUALS; NEWSLETTER FEATURING INFORMATION ABOUT COMPUTER HARDWARE AND SOFTWARE AND GENERAL INFORMATION RELATING TO COMPUTERS FOR MANUFACTURERS, DISTRIBUTORS, AND USERS OF COMPUTERS AND COMPUTER SOFTWARE; AND COMPUTER DOCUMENTATION—NAMELY, REFERENCE, USER, INSTRUCTIONAL, AND GENERAL UTILITIES MANUALS AND DATA SHEETS FOR COMPUTER HARDWARE AND SOFTWARE USERS, in CLASS 16 (U.S. Cl. 38).

First use Nov. 1975; in commerce Nov. 1975.

Ser. No. 373,992, filed Jul. 12, 1982.

J. H. WEBB, Examining Attorney



## **EXHIBIT 4**

Int. Cl.: 9

Prior U.S. Cl.: 38

**United States Patent and Trademark Office** Reg. No. 1,872,264  
Registered Jan. 10, 1995

**TRADEMARK  
PRINCIPAL REGISTER**

**WINDOWS**

MICROSOFT CORPORATION (DELAWARE  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FIRST USE 10-18-1983; IN COMMERCE  
10-18-1983.

SEC. 2(F).

FOR: COMPUTER PROGRAMS AND MANU-  
ALS SOLD AS A UNIT; NAMELY, GRAPHICAL  
OPERATING ENVIRONMENT PROGRAMS  
FOR MICROCOMPUTERS, IN CLASS 9 (U.S.  
CL. 38).

SER. NO. 74-090,419, FILED 8-20-1990.

ESTHER BELENKER, EXAMINING ATTOR-  
NEY

## **EXHIBIT 5**

Int. Cl.: 9

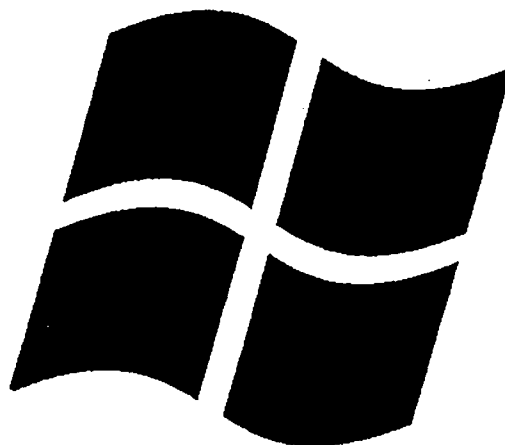
Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,744,843

United States Patent and Trademark Office

Registered July 29, 2003

**TRADEMARK  
PRINCIPAL REGISTER**



MICROSOFT CORPORATION (WASHINGTON CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FOR: COMPUTER SOFTWARE, NAMELY, OPERATING SYSTEM PROGRAMS AND UTILITIES, WORD PROCESSING PROGRAMS, ADDRESS BOOK PROGRAMS, CALCULATOR PROGRAMS, TERMINAL EMULATION PROGRAMS, PROGRAMS FOR DOWNLOADING AND PLAYING AUDIO AND VIDEO, PROGRAMS FOR MANAGING COMPUTER POWER SUPPLIES, PROGRAMS FOR USE IN TRANSMITTING DATA BETWEEN COMPUTERS AND OTHER ELECTRONIC DEVICES, COMPUTER MAINTENANCE PROGRAMS, PROGRAMS FOR PROVIDING ENHANCED SPECIAL EFFECTS WHILE RUNNING GAME PROGRAMS, PROGRAMS FOR USE IN ACCESSING AND PLAYING CDS AND DVDS, BROWSER PROGRAMS, ACCESSIBILITY PROGRAMS TO MAKE COMPUTERS MORE USEFUL FOR PERSONS WITH DISABILITIES; PAINT PROGRAMS, NAMELY, COMPUTER SOFTWARE FOR USE IN CREATING, EDITING AND COLORING DRAWINGS; ELECTRONIC MAIL PROGRAMS; PROGRAMS FOR ELECTRONIC CONFERENCING; COMPUTER SOFTWARE FOR PLAYING VIDEO AND ELECTRONIC GAMES AND COMPUTER GAMES; USER MANUALS THEREFOR SOLD AS A UNIT THEREWITH; COMPUTERS; COMPUTER HARDWARE; AND FULL LINE OF COMPUTER APPLICATION PROGRAMS; COMPUTER PERIPHERALS; COMPU-

TER MICE AND POINTING DEVICES; HAND HELD COMPUTERS; DVD PLAYERS; DIGITAL CELLULAR PHONES; BLANK SMART CARDS, NAMELY, ENCODED ELECTRONIC CHIP CARDS CONTAINING PROGRAMMING FOR VARIOUS BUSINESS AND TECHNICAL FUNCTIONS; COMMUNICATION SERVERS, AND COMPUTER APPLICATION PROGRAMS AND OPERATING SYSTEM PROGRAMS FOR USE THEREWITH; COMPUTER PROGRAMS FOR MANAGING COMMUNICATIONS AND DATA EXCHANGE BETWEEN COMPUTERS AND ELECTRONIC DEVICES; VIDEO GAME MACHINES FOR USE WITH TELEVISIONS AND COMPUTERS, AND OPERATING SYSTEM SOFTWARE FOR USE THEREWITH; OPERATING SYSTEM SOFTWARE FOR USE IN PLAYING ELECTRONIC GAMES; COMPUTER HARDWARE AND PERIPHERALS; COMPUTER KEYBOARDS; COMPUTER AND VIDEO GAME JOYSTICKS; VIDEO GAME INTERACTIVE CONTROL FLOOR PADS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-26-2001; IN COMMERCE 3-26-2001.

OWNER OF U.S. REG. NOS. 1,815,350, 1,816,354, AND OTHERS.

THE MARK CONSISTS OF A FLAG DESIGN. THE UPPER LEFT PORTION OF THE FLAG IS RED, THE LOWER LEFT PORTION IS BLUE, THE UPPER RIGHT PORTION IS GREEN, AND THE LOWER RIGHT PORTION IS YELLOW. COLOR IS CLAIMED AS PART OF THE MARK.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Percy Anderson and the assigned discovery Magistrate Judge is Alicia G. Rosenberg.

The case number on all documents filed with the Court should read as follows:

**CV10- 963 PA (AGR~~x~~)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.



## Name &amp; Address:

Audra M Mori/Katherine M. Dugdale  
Perkins Coie LLP  
1888 Century Park East, Suite 1700  
Los Angeles, CA 90067

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MICROSOFT CORPORATION, a Washington  
corporation

PLAINTIFF(S)

v.

NANO ELECTRONICS, INCORPORATED, a California  
corporation d/b/a COMPLETE COMPUTER CURE; RAHIM  
BIDGOLI, an individual, and BEHZAD TOUBIAN, an individual  
a/k/a BEN TOUBIAN

DEFENDANT(S).

CASE NUMBER

CV10 0963 PA (AGRx)

## SUMMONS

TO: DEFENDANT(S): \_\_\_\_\_

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Katherine M. Dugdale, whose address is Perkins Coie LLP, 1888 Century Park East, Suite 1700, Los Angeles, CA 90067. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

CHRISTOPHER POWERS

Dated: February 9, 2010

By: \_\_\_\_\_

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

CONFORMED COPIES

## Name &amp; Address:

Audra M Mori/Katherine M. Dugdale  
Perkins Coie LLP  
1888 Century Park East, Suite 1700  
Los Angeles, CA 90067

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MICROSOFT CORPORATION, a Washington  
corporation

PLAINTIFF(S)

v.

NANO ELECTRONICS, INCORPORATED, a California  
corporation d/b/a COMPLETE COMPUTER CURE; RAHIM  
BIDGOLI, an individual, and BEHZAD TOUBIAN, an individual  
a/k/a BEN TOUBIAN

DEFENDANT(S).

CASE NUMBER

CV10 0963

JPA

(AGRx)

## SUMMONS

TO: DEFENDANT(S): \_\_\_\_\_

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Katherine M. Dugdale, whose address is Perkins Coie LLP, 1888 Century Park East, Suite 1700, Los Angeles, CA 90067. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

CHRISTOPHER POWERS

Dated: February 9, 2010

By: \_\_\_\_\_

Deputy Clerk

(Seal of the Court)

SEAL

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

CONFORMED COPIES

(a) PLAINTIFFS (Check box if you are representing yourself ☐)  
MICROSOFT CORPORATION, a Washington corporation

**DEFENDANTS**  
NANO ELECTRONICS, INCORPORATED, a California corporation d/b/a  
COMPLETE COMPUTER CURE; RAHIM BIDGOLI, an individual, and  
BEHZAD TOUBIAN, an individual a/k/a BEN TOUBIAN

b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Audra M Mori/Katherine M. Dugdale, Perkins Coie LLP,  
1888 Century Park East, Suite 1700, Los Angeles, CA  
90067 (310) 788-9900

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only**  
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. ORIGIN** (Place an X in one box only.)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Recopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT:** JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION** under F.R.C.P. 23: ☐ Yes ☒ No

☐ **MONEY DEMANDED IN COMPLAINT:** \$

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
Copyright Infringement(17 USC § 501); Federal Trademark Infringement(15 USC § 1114); False Designation of Origin, False Description and False Representation (15 USC § 1125)

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 535 General <input type="checkbox"/> 540 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**CV10 0963**

FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☐ No ☒ Yes

If yes, list case number(s): 04cv-0448 ABC (AJWx)

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or

☒ B. Call for determination of the same or substantially related or similar questions of law and fact; or

☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or

☒ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
King County, Washington	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
All Defendants reside in Los Angeles County	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): \_\_\_\_\_ Date February 9, 2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))